

**Introduced by Senator Ashburn**

February 27, 2009

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An act to amend Section 21080.21 of the Public Resources Code, relating to the environment.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 605, as introduced, Ashburn. California Environmental Quality Act: biogas pipelines: exemption.

(1) The California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects, including for a project of less than one mile in length within a public street or highway or another public right-of-way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline. CEQA also exempts from its requirements a project that consists of the inspection, maintenance, repair, restoration, reconditioning, relocation, replacement, or removal of an existing pipeline, as defined, if specified conditions are met, including that the project is less than 8 miles in length.

This bill would exempt from CEQA a project of less than 8 miles in length within a public street or highway or another public right-of-way for the installation of a new pipeline, or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, that is used to transport biogas. Because a lead agency would be required to determine the applicability of the exemption, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21080.21 of the Public Resources Code  
2 is amended to read:

3 21080.21. (a) This division does not apply to ~~any~~ a project of  
4 less than one mile in length within a public street or highway or  
5 ~~any other~~ another public right-of-way for the installation of a new  
6 pipeline or the maintenance, repair, restoration, reconditioning,  
7 relocation, replacement, removal, or demolition of an existing  
8 pipeline. For purposes of this ~~section~~ subdivision, "pipeline"  
9 includes subsurface facilities but does not include ~~any~~ a surface  
10 facility related to the operation of the underground facility.

11 (b) *This division does not apply to a project of less than eight*  
12 *miles in length within a public street or highway or another public*  
13 *right-of-way for the installation of a new pipeline, or the*  
14 *maintenance, repair, restoration, reconditioning, relocation,*  
15 *replacement, removal, or demolition of an existing pipeline, that*  
16 *is used to transport biogas.*

17 SEC. 2. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 a local agency or school district has the authority to levy service  
20 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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